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12 LEXINGTON INSURANCE COMPANY

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

12 LEXINGTON INSURANCE COMPANY, a
13 Delaware corporation,

14 Plaintiff,

15 v.

16 AMERICAN GUARANTEE AND
17 LIABILITY INSURANCE COMPANY, a
18 New York corporation; ZURICH
19 AMERICAN INSURANCE COMPANY, a
20 New York corporation; and DOES 1-100,
21 inclusive.

22 Defendants.

Case No. 3:22-cv-04479-RFL (DMR)

Assigned to Hon. Rita F. Lin

**STIPULATION OF DISMISSAL OF
COMPLAINT**

Action Filed: August 2, 2022

22 In accordance with Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff Lexington
23 Insurance Company ("Lexington") and Defendants American Guarantee and Liability Insurance
24 Company ("American Guarantee") and Zurich American Insurance Company ("Zurich American")
25 (collectively, the "Zurich") (Lexington and Zurich are collectively referred to as the "Parties")
26 hereby stipulate and agree as follows:
27

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1 1. Lexington's Complaint for Declaratory Relief, Equitable Subrogation, and Equitable
2 Indemnity (Dkt. No. 1) is dismissed with prejudice.

3 2. Each of the stipulating parties will bear its own attorneys' fees and costs to date.
4 The person filing this document hereby attests that all signatories indicated with an "/s/", and on
5 whose behalf this filing is submitted, concur in the document's content and have authorized this
6 filing.
7

8 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

9 DATED: August 28, 2024

HEROLD & SAGER

10
11 By: /s/Hilary R. Kuchinsky
12 ANDREW D. HEROLD, ESQ.
13 HILARY R. KUCHINSKY, ESQ.
14 KATHRYN E. SMITH, ESQ.
Attorneys for Plaintiff LEXINGTON
INSURANCE COMPANY

15 DATED: August 28, 2024

DUANE MORRIS

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18 By: /s/Timothy J. Witczak
19 RICHARD D. HOFFMAN, ESQ.
20 TIMOTHY J. WITCZAK, ESQ.
21 Attorneys for Defendants AMERICAN
22 GUARANTEE AND LIABILITY INSURANCE
COMPANY and ZURICH AMERICAN
INSURANCE COMPANY

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24
25 DATED: August 28, 2024


26 The Honorable Rita F. Lin
27 UNITED STATES DISTRICT JUDGE
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